



Entered on Docket
August 24, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Mountain House Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Seconed Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Mountain House Loan ("Mountain House Loan") [DE 8548] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Mountain House Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8548] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Mountain House Loan.
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker (AZ #018024)

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13 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
Mountain House
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Mountain House Business Park Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Mountain House Business Park Loan
10725-00595	10/16/2006	James W & Karene K Jelf	731 S. Houston St. Aransas Pass, TX 78336	50,000.00	50,000.00
10725-01336	11/13/2006	Lofffield, James	1532 Beech Grove Dr Las Vegas, NV 89119	60,000.00	60,000.00
10725-00885	11/1/2006	Marston Family Trust Dated 8/13/93	E Grace Marston Tee 1184 Camano Court San Jose, CA 95122	51,825.95	51,825.95
10725-02241	1/12/2007	Mcquerry Family Trust	William Mcquerry 318 Singing Brook Cir Santa Rosa, CA 95409-6483	102,166.66	102,166.66
10725-00463	10/6/2006	Stimpson, Shawn A	5799 Cathedral Peak Dr Sparks, NV 89436-1848	50,000.00	50,000.00
10725-01461	11/14/2006	Wald Financial Group Inc	249 Margo Way Pismo Beach, CA 93449-3252	50,516.67	50,516.67
10725-02409	1/17/2007	Weeks, David & Janelle	4400 Clyde Casper, WY 82609	53,347.72	53,347.72
10725-00206	8/15/2006	Zalkind, Allen & Sandy	684 Nahane Dr South Lake Tahoe, CA 96150	94,650.00	94,650.00

EXHIBIT A

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